

Message Text

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ORIGIN AEC-07

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P 082336Z JAN 75

FM SECSTATE WASHDC

TO USMISSION IAEA VIENNA PRIORITY

AMEMBASSY TEL AVIV PRIORITY

C O N F I D E N T I A L STATE 004544

E.O.11652:GDS

TAGS: IAEA TECH PARM IS

SUBJECT: US-ISRAEL-IAEA TRILATERAL SAFEGUARDS AGREEMENT

REF: IAEA VIENNA 10481

1. IN RESPONSE TO POINTS RAISED BY AGENCY PER REFTL AND
FURTHER REVIEW BY U.S. SIDE, FOLLOWING CHANGES IN U.S.
DRAFT ARE PROPOSED:

(A) IN FIRST PREAMBULAR CLAUSE, DELETE QTE (HEREINAFTER
CALLED THE "UNITED STATES") UNQTE AND QTE (HEREINAFTER
CALLED "ISRAEL") UNQTE. THROUGHOUT THIS AGREEMENT,
INSERT QTE THE GOVERNMENT OF UNQTE WHEREVER SPECIFICALLY
GOVERNMENT OF EITHER U.S. OR ISRAEL IS INTENDED AND LEAVE
QTE UNITED STATES UNQTE AND QTE ISRAEL UNQTE WHEREVER
EITHER PRIVATE FIRMS OR GOVERNMENT MAY BE INVOLVED, SUCH
AS IN FOURTH PREAMBULAR CLAUSE. FOLLOW PATTERN OF U.S.-
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IAEA-SWISS TRILATERAL.

(B) RE 2(A) REFTEL. STEIN SUGGESTION RE SECTION 1(C) ACCEPTABLE WITH SLIGHT REVISIONS TO CLARIFY WHAT QTE AS AMENDED UNQTE REFERS TO. DEFINITION OF BILATERAL SHOULD READ QTE 'AGREEMENT FOR COOPERATION' MEANS THE AGREEMENT... OF 12 JULY 1955, AS AMENDED, OR AS IT MAY BE AMENDED OR SUPERSEDED UNQTE. BILATERAL CANNOT BE EXTENDED EXCEPT BY AMENDMENT SO REFERENCE TO QTE AS EXTENDED UNQTE NOT NECESSARY.

FYI - AS INDICATED IN STATE 250137 (NOV. 13

PROPOSED ISRAEL POWER AGREEMENT IS UNRELATED TO EXISTING RESEARCH AGREEMENT AND WOULD BE SEPARATE, NOT RPT NOT, SUPERSEDING AGREEMENT. THUS, SHOULD POWER BILATERAL BE CONCLUDED BETWEEN USG AND GOI IN FUTURE, EITHER AMENDMENT OF EXISTING TRILATERAL OR NEW TRILATERAL WOULD BE REQUIRED. AS MISSION MAY BE AWARE, IT NO LONGER CLEAR ISRAEL WILL PURSUE ACTIVE NEGOTIATION OF POWER AGREEMENT, AT LEAST IN NEAR TERM. END FYI.

(C) ACTION 9(A), LINE 2 CHANGE QTE WERE UNQTE TO QTE ARE UNQTE; AND LINE 4 AFTER QTE SAFEGUARDS UNQTE INSERT QTE BETWEEN THE UNITED STATES, ISRAEL AND THE AGENCY UNQTE.

(D) SECTION 9(B)(1), AFTER QTE TRANSFER UNQTE INSERT Q53 DIRECTLY OR INDIRECTLY UNQTE.

(E) SECTION 9(B)(2), CHANGE QTE SECTION 12 UNQTE TO SECTION 10(A) (3) UNQTE.

(F) SECTION 10(A)(2), ADD QTE WITH THE EXCEPTION OF MATERIAL REFERRED TO IN (3) BELOW UNQTE.

(G) SECTION 10(A) (3), ADD QTE TOGETHER WITH ANY SPECIAL FISSIONABLE MATERIAL PRODUCED IN ANOTHER JURISDICTION SUBJECT TO AGENCY SAFEGUARDS AND TRANSFERRED TO ISRAEL UNDER THE AGREEMENT FOR COOPERATION; UNQTE.
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(H) SECTION 11, LINE 6, CHANGE QTE REQUIREMENTS UNQTE TO REQUIREMENT UNQTE TO CORRECT CLERICAL ERROR.

(I) SECTION 15, IF SUBPARA (B) WERE TO BE DELETED AS SUGGESTED REFTEL, IT WOULD APPEAR ISRAEL WOULD NOT BE ABLE TRANSFER MATERIAL ON ITS INVENTORY TO EURATOM COUNTRY FOR, E.G., REPROCESSING, IF IT CHOSE TO DO

SO, UNTIL EURATOM/IAEA SAFEGUARDS AGREEMENT WAS IN EFFECT. SINCE IT UNCERTAIN WHEN LATTER AGREEMENT WILL BE IN FORCE, THIS COULD RESULT IN SIGNIFICANT ECONOMIC DISADVANTAGE FOR ISRAEL. THUS, WE PREFER RETAIN SUBPARA (B) IN TRILATERAL.

(J) SECTION 19, ADD SENTENCE SUGGESTED REFTEL.

(K) SECTION 23(B), CHANGE REFERENCE TO ARTICLE XII TO ARTICLE XII.C. TO CORRECT CLERICAL ERROR.

(L) SECTION 33, PROPOSED DELETION AND CHANGE OF REFERENCE FROM SECTION 10(A) (3) TO SECTION 10(A) ACCEPTABLE.

2. PER IAEA VIENNA 10638, CONSIDERATION BEING GIVEN TO ADDITIONAL STEPS WE MIGHT WISH TAKE, IN GENERAL, IN CONNECTION OBTAINING INFO ON IMPLEMENTATION AGENCY SAFEGUARDS, AND RESPONSE TO MISSION'S LETTER TO DG DATED 10/1/74 ON THIS SUBJECT (SEE STATE 204624 AND IAEA VIENNA 8599), WHEN RECEIVED, SHOULD BE USEFUL IN FURTHER ASSESSING MATTER. IN VIEW OF TIGHT TIMING ON ISRAELI TRILATERAL, I.E., AGREED TEXT SHOULD BE CIRCULATED BY JAN. 13 FOR FEB. BG ACTION, WE INTEND PROCEED WITH PROPOSED TEXT AND CONSIDER ANY EXTENSION BILATERAL AGREEMENT AT END TWO YEAR PERIOD. WE EXPECT INFO REQUESTED OF MISSION (STATE 284251) WILL PROVIDE VALUABLE INFO ON STATUS OF U.S. SUPPLIED MATERIAL IN ISRAEL AT THIS TIME.

3. MISSION SHOULD TRANSMIT TEXTUAL CHANGES TO APPROPRIATE IAEA AND ISRAELI REPS AND REPORT REACTION SOONEST. KISSINGER

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